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REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 10-18 have been cancelled and Applicant respectfully requests reconsideration of claims 1-9.

The examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by *Allen*, *Fuchigami*, and *Payne*. Applicant respectfully requests reconsideration of claim 1. *Allen*, *Fuchigami*, and *Payne* are non-analogous art. The test for non-analogous art is first whether the art is within the field of endeavor of the invention and, if not, whether the art is reasonably pertinent to the problem with which the invention addresses. *In Re Wood*, 599 F.2d 1032, 1036, 202 USPQ 171, 174 (CCPA 1979).

Allen and *Payne* are not within the field of endeavor of Applicant's invention or pertinent to the problem that Applicant's invention addresses. *Allen* and *Payne* address automated feeding of a drill section into alignment along a drilling axis, not secure dispensing of a relatively large amount of materials to an employee as Applicant's invention addresses. In such drilling operations, the drilling section is automatically fed and joined along the drilling axis. This addresses an objective of continuous drilling without stopping to have an operator manually handle and attach the drilling section. Automation of the feeding and connecting of the drilling sections *reduces* the need for operator intervention. In contrast, Applicant's invention addresses secure dispensing of a relatively large quantity of materials to an employee for the employee to then use in another location. This addresses Applicant's objective of minimizing theft and simplifying the dispensing of materials to employees. Reducing operator/employee intervention by utilizing the automated feeding and connecting devices of *Allen* and *Payne* is not pertinent to Applicant's objective of securely dispensing relatively large quantities of materials to an employee. That is, there is no security concern with dispensing drilling sections which are automatically connected together. Accordingly, claim 1 is properly allowable and Applicant respectfully requests that the Examiner withdraw the rejection.

Fuchigami is also not within the field of endeavor of Applicant's invention or pertinent to the problem that Applicant's invention addresses. *Fuchigami* addresses the moving of cigarettes

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from a supply hopper to a guide chute for various automated measurements of the cigarettes. Cigarettes are small, lightweight items that have insignificant individual value. Furthermore, this activity occurs in a factory setting in which the likelihood of theft is exceedingly small. Therefore, the automated feeding of cigarettes for measurement is not the same field of endeavor as securely dispensing relatively expensive raw materials at an unsupervised job site. Also, automation of the feeding and measuring functions *reduces* the need for operator intervention. In contrast, the Applicant's invention seeks to securely distribute a relatively large quantity of materials to an employee such that the employee can then use the materials in another location. Reducing operator/employee intervention by utilizing the automated feeding and measuring device of *Fuchigami* is not pertinent to Applicant's objective of securely dispensing relatively large quantities of materials to an employee. Accordingly, claims 1-9 are properly allowable and Applicant respectfully requests that the Examiner withdraw the rejection.

The examiner rejected claim 9 under 35 U.S.C. 102(b) as being anticipated by *Payne*. Applicant respectfully requests reconsideration, as claim 9 recites a materials receiving basket adjacent said material dispensing opening. Applicant's materials receiving basket provides a temporary storage for an employee to retrieve a relatively large quantity of materials from. The materials receiving basket is sufficiently sized to accommodate a large amount of materials. *Payne* does not disclose a materials receiving basket as recited in Applicant's claim 9. The arms 50 of the horizontal boring machine 10 receive one pipe 32 at a time from a magazine 42, not a large quantity of pipes. Moreover, the arms 50 include a pipe holding section 56 that is adapted to receive only a single pipe 32 from the magazine 42, not a large quantity of pipes. Therefore, the arms 50 are not a materials receiving basket. The arms 50 also transport the pipe 32 to a spindle connection area 34 where the pipe 32 is staged for connection along the drilling axis. The arms 50 therefore function to align and stage a pipe in an automated process and do not act as a temporary storage for an employee or operator to retrieve a large quantity of material from, as with Applicant's materials

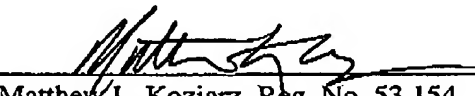
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receiving basket. Accordingly, claim 9 is properly allowable and Applicant respectfully requests that the Examiner withdraw the rejection.

If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.


Respectfully Submitted,
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Dated: April 29, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on April 29, 2005.


Laura Combs

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